

Case 1:23-cv-01822-LKG

Filed 12/28/2023

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December 28, 2023

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From:

Jeffery Battle. Plaintiff

P.O. Box 448

Laurel, MD 20725

To:

Honorable Lydia Kay Griggsby

United States District Judge

United States District Court, District of Maryland

6500 Cherrywood Lane, Suite 400

Greenbelt, MD 20770

Re: *Supplement A* - Plaintiff Response to the Defendant's proposed Motion to Compel Arbitration and Dismiss filing, dated December 18, 2023, Jeffery Battle v. Microsoft Corporation, Case No. 1:23-cv-01822-LKG

Your Honor, Supplement A response includes additional information in support of the plaintiff disagreeing with the Defendant's (Microsoft) intent to file a Motion to Compel Arbitration and Dismiss filing. The plaintiff requests the dismissal of the defendant's request to file a Motion to Compel Arbitration and Dismiss (Battle v Microsoft 1:23-cv-01822).

The defendant, Microsoft, officially communicated with Plaintiff from May through July of 2023 to resolve a dispute to remove false materials from BING that labeled him and a convicted terrorist and his personal property as convicted terrorist owned. The communication was through the defendant's Case Management internet portal (Report a Concern to BING) web interchange. Then the defendant changed their response, reversed their position, and falsely denied it was their fault labeling Plaintiff as a convicted terrorist, but it was the fault of some other unnamed entity, other than themselves.

Because of the defendant's actions to (a) end formal dispute resolution communications and activities through their process of (Report a Concern to Microsoft BING), (b) changing their position to that of non-involvement, and (c) not responding to a formal Cease-and-Desist notification, the defendant voided any claim that the Plaintiff was obligated to a dispute resolution under their Microsoft Service Agreement (MSA) for Arbitration as a Microsoft (Hotmail) email account user.

Background:

Updated information to previous statements. The plaintiff submitted numerous formal dispute resolution attempts, from May to July of 2023, in attempts to settle this dispute with the defendant Microsoft through their required webpage "Feedback" feature and Case Management internet portal "Report a Concern to Microsoft BING" web communication interchange. The defendant responded to the Plaintiff's problems as follows:

- A. In communications to resolve the dispute with the defendant, the plaintiff, Mr. Battle provided the case Management number, SIR14721209, which Mr. Battle received for these communications. At times the damaging search results were removed from Bing; stating “The URL in question is no longer visible on Bing. If you continue to see the URL appearing on Bing, **please provide a screenshot of the search results page** or provide the URL in question for further investigation. Dated June 2, 2023” However, shortly thereafter, within moments on the same days, they would be re-posted using different URLs or in different locations attached to Mr. Battle’s autobiography and company marketing materials, his journalist material on “Muck Rack” or his EIN Press Releases, therefore, also harassing him as a journalist. However, other defaming information that is attached to his marketing materials and press releases, does not state that it is artificial intelligence (AI) generated.
- B. Despite Mr. Battle’s many efforts to go through Microsoft’s processes and resolve this matter, following the instructions of Microsoft Bing, and submitting the same complaints several times through “Report A Concern to Microsoft BING” as of the date of the Cease-and-Desist complaint, the search results have remained the same. Microsoft responded, **“Hi, Thank you for contacting Bing regarding concerns with content appearing in Bing search results. We have reviewed your request and have forwarded it along to the appropriate content moderation team for processing. Thank you, Bing Team. Dated June 6, 2023.”**
- C. The defendant changed their position to that of BING’s responsibility for labeling Plaintiff as a convicted terrorist, to denying involvement with labeling Plaintiff as a convicted terrorist and ceasing dispute communications with Plaintiff by stating, “Please contact the webmaster of the hosting website that published the content, as they control the website and content in question.” Dated June 21, 2023. Plaintiff responded on June 21, 2023, “Microsoft is the hosting website that published content that is Cyberstalking (Direct and Indirect), Defamation, and more. Please see the screenshot attachment dated today (2number (2); stating the following:

Jeffery Battle, also known as The Aerospace Professor, is the President and CEO of Battle Enterprises, LLC and its subsidiary The Aerospace Professor Company. He is an honorable discharged U.S. Air Force veteran and has been appointed as an Adjunct Professor for Embry-Riddle Aeronautical University. Battle has a Master of Business Administration in Aviation degree and two Bachelor of Science degrees. ***However, Battle was sentenced to eighteen years in prison after pleading guilty to seditious conspiracy and levying war against the United States. He had two years added to his sentence for refusing to testify before a grand jury.***

- D. On June 23, 2023, Gouchev Law attorney, Jared Steiner, submitted an immediate **cease and desist** letter to Microsoft, entitled, “Legal Notice – Confidential, VIA CERTIFIED MAIL RRR AND ELECTRONIC TRANSMISSION” with an attachment entitled “Exhibit

A” (GL 6-26-23).pdf, on behalf of Mr. Battle, with a response due date of **July 3, 2023**. The cease-and-desist letter was also emailed to two of the defendant’s attorneys. However, no response from Microsoft was returned to Gouchev Law, by email or to the physical office address.

Alleged Crime(s):

In addition, the defendant (Microsoft) is alleged to have committed the crime of Assault on the Plaintiff who is a citizen of the state of Maryland. The evidence indicates that there could be human programmer involvement in the unauthorized activities. Within the complaint, there could be other claims that may be considered crimes that require civil or criminal resolutions and are not arbitrable.

Note, again, Plaintiff is a user of an online service of Microsoft (Hotmail) email account, only, at (jefbttl@hotmail.com) and only agreed, initially in 2003, to the terms and use of his email account. The new BING Artificial Intelligence (AI) product was launched in early 2023. After the Plaintiff filed a civil complaint in July of 2023, the defendant changed their MSA in October of 2023, before their response to Plaintiff’s civil complaint in December of 2023. Note *that Microsoft may have changed the language of their new Microsoft Service Agreement (MSA) in October of 2023, after the filing of the Plaintiff’s civil complaint, to suit their best interest.*

Again, the plaintiff respectfully requests that the personal injury case remain in Maryland District Court.

Due to the defendant’s actions, there is a continuous threat of physical harm to the Plaintiff and his family, and documented proof of the content within this document, labeled as Pre-Discovery Exhibits, has been forwarded to the court and defendant.

Sincerely,



Jeffery Battle

- A. This document has been forwarded to the following address by FedEx Next day Delivery with Signature Confirmation:

Microsoft Corporation Reginal Agent:
DLA Piper LLP (US)
650 South Exeter Street, Suite 1100
Baltimore, MD 21202-4576
ATTN: Brett Ingerman (Bar No. 23037)
Tel: (410) 580-3000
Fax: (410) 580-3001

- B. This document was hand delivered by Plaintiff to The Maryland District Court along with a Certificate of Service and FedEx receipt document